

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 834

Introduced by Assembly Member Williams

February 21, 2013

An act to amend Section ~~25402.11~~ 94910 of, and to add Section 94910.5 to, the ~~Public Resources~~ Education Code, relating to ~~energy efficiency standards~~ private postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 834, as amended, Williams. ~~Energy efficiency standards: administrative enforcement.~~ Private postsecondary education: School Performance Fact Sheets.

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for regulatory oversight of private postsecondary schools in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts specified institutions from all, or a portion, of its provisions. The act requires an institution to provide a prospective student prior to enrollment with a School Performance Fact Sheet, which is required to contain specified information relating to the educational program. Existing law requires an institution that maintains an Internet Web site to provide, on that Internet Web site, specified information, including a School Performance Fact Sheet for each educational program offered by the institution.

This bill would provide that a law school that meets specified criteria shall be deemed to satisfy the requirements of the California Private Postsecondary Education Act of 2009 regarding a School Performance Fact Sheet by complying with a specified standard of the American Bar Association relating to the disclosure of consumer information and by providing completion, placement, bar passage, and salary and wage information of graduates to prospective students prior to enrollment through the law school application process administered by the Law School Admission Council.

~~Existing law authorizes the State Energy Resources Conservation and Development Commission to establish an administrative enforcement process to enforce regulations establishing appliance efficiency standards. Existing law requires the commission to establish, by regulations, building construction and design standards and energy and water efficiency standards for new residential and new nonresidential buildings to increase the efficient use of energy and water.~~

~~This bill would additionally authorize the commission to establish an administrative enforcement process to enforce regulations establishing the building construction and design standards and energy and water efficiency standards.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 94910 of the Education Code is amended
- 2 to read:
- 3 94910. (a) Prior to enrollment, an institution shall provide a
- 4 prospective student with a School Performance Fact Sheet
- 5 containing, at a minimum, the following information, as it relates
- 6 to the educational program:
- 7 (a)
- 8 (1) Completion rates, as calculated pursuant to Article 16
- 9 (commencing with Section 94928).
- 10 (b)
- 11 (2) Placement rates for each educational program, as calculated
- 12 pursuant to Article 16 (commencing with Section 94928), if the
- 13 educational program is designed to lead to, or the institution makes
- 14 any express or implied claim related to preparing students for, a
- 15 recognized career, occupation, vocation, job, or job title.

(e)

(3) License examination passage rates for programs leading to employment for which passage of a state licensing examination is required, as calculated pursuant to Article 16 (commencing with Section 94928).

(d)

(4) Salary or wage information, as calculated pursuant to Article 16 (commencing with Section 94928).

(e)

(5) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution, but is not equivalent to actual performance data."

(f)

(6) All of the following:

(1)

(A) A description of the manner in which the figures described in ~~subdivisions (a) to (d)~~ *paragraphs (1) to (4)*, inclusive, are calculated or a statement informing the reader of where he or she may obtain a description of the manner in which the figures described in ~~subdivisions (a) to (d)~~ *paragraphs (1) to (4)*, inclusive, are calculated.

(2)

(B) A statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by ~~subdivision (b)~~ *paragraph (2)*.

(3)

(C) A statement informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by ~~subdivision (d)~~ *paragraph (4)*.

(g)

(7) The following statements:

1 ~~(1)~~

2 (A) “This fact sheet is filed with the Bureau for Private
3 Postsecondary Education. Regardless of any information you may
4 have relating to completion rates, placement rates, starting salaries,
5 or license exam passage rates, this fact sheet contains the
6 information as calculated pursuant to state law.”

7 ~~(2)~~

8 (B) “Any questions a student may have regarding this fact sheet
9 that have not been satisfactorily answered by the institution may
10 be directed to the Bureau for Private Postsecondary Education at
11 (address), Sacramento, CA (ZIP Code), (Internet Web site address),
12 (telephone and fax numbers).”

13 ~~(1)~~

14 (8) If the institution participates in federal financial aid
15 programs, the most recent three-year cohort default rate reported
16 by the United States Department of Education for the institution
17 and the percentage of enrolled students receiving federal student
18 loans.

19 ***(b) This section shall not apply to institutions governed by***
20 ***Section 94910.5.***

21 ***SEC. 2. Section 94910.5 is added to the Education Code, to***
22 ***read:***

23 94910.5. (a) Notwithstanding any other law, a law school that
24 meets the criteria of subdivision (b) shall be deemed to satisfy the
25 requirements of this chapter regarding a School Performance Fact
26 Sheet by doing both of the following:

27 (1) Complying with Standard 509 of the 2012–13 American Bar
28 Association’s Standards and Rules of Procedure for Approval of
29 Law Schools.

30 (2) Providing completion, placement, bar passage, and salary
31 and wage information of graduates to prospective students prior
32 to enrollment through the law school application process
33 administered by the Law School Admission Council.

34 (b) Subdivision (a) shall apply to a law school that meets the
35 following criteria:

36 (1) The law school is accredited by the Council of the Section
37 of Legal Education and Admissions to the Bar of the American
38 Bar Association.

39 (2) The law school is owned by an institution authorized to
40 operate by the bureau.

1 (3) *The law school reports graduate salary information and*
2 *other information to the National Association for Law Placement.*

3 ~~SECTION 1. Section 25402.11 of the Public Resources Code~~
4 ~~is amended to read:~~

5 ~~25402.11. (a) (1) The commission may adopt regulations~~
6 ~~establishing an administrative enforcement process for a violation~~
7 ~~of a regulation adopted pursuant to Section 25402 and for the~~
8 ~~assessment of an administrative civil penalty not to exceed two~~
9 ~~thousand five hundred dollars (\$2,500) for each violation. The~~
10 ~~process shall comply with the requirements of Chapter 4.5~~
11 ~~(commencing with Section 11400) and Chapter 5 (commencing~~
12 ~~with Section 11500) of Part 1 of Division 3 of Title 2 of the~~
13 ~~Government Code.~~

14 ~~(2) In assessing the amount of an administrative penalty, the~~
15 ~~commission shall consider all of the following factors:~~

- 16 ~~(A) The nature and seriousness of the violation.~~
17 ~~(B) The number of violations.~~
18 ~~(C) The persistence of the violation.~~
19 ~~(D) The length of time over which the violation occurred.~~
20 ~~(E) The willfulness of the violation.~~
21 ~~(F) The violator's assets, liabilities, and net worth.~~
22 ~~(G) The harm to consumers and to the state that resulted from~~
23 ~~the amount of energy wasted due to the violation.~~

24 ~~(b) If the commission finds that a violation of the regulations~~
25 ~~adopted pursuant to Section 25402 has occurred or is threatening~~
26 ~~to occur, the commission may refer the matter to the Attorney~~
27 ~~General to petition a court to enjoin the violation. The court may~~
28 ~~grant prohibitory or mandatory injunctive relief as warranted by~~
29 ~~issuing a temporary restraining order, preliminary injunction, or~~
30 ~~permanent injunction, and may assess a civil penalty not to exceed~~
31 ~~two thousand five hundred dollars (\$2,500) for each violation,~~
32 ~~considering the factors specified in paragraph (2) of subdivision~~
33 ~~(a).~~

34 ~~(c) Penalties collected pursuant to this section shall be deposited~~
35 ~~into the Efficiency Enforcement Subaccount, which is hereby~~
36 ~~established in the Energy Resources Program Account. The moneys~~
37 ~~in the Efficiency Enforcement Subaccount may be expended by~~
38 ~~the commission, upon appropriation by the Legislature, for the~~
39 ~~education of the public regarding energy efficiency and for the~~
40 ~~enforcement of the regulations adopted pursuant to Section 25402.~~

1 ~~(d) An order imposing an administrative civil penalty shall be~~
2 ~~subject to judicial review pursuant to subdivisions (a) and (b) of~~
3 ~~Section 25534.2.~~

4 ~~(e) A person shall not be liable for a civil penalty pursuant to~~
5 ~~subdivision (b) if that person is subject to an administrative civil~~
6 ~~penalty pursuant to subdivision (a).~~

7 ~~(f) In a civil action brought on behalf of the commission~~
8 ~~pursuant to this section, upon granting relief, the court shall award~~
9 ~~to the commission the reasonable costs incurred by the commission~~
10 ~~in investigating and prosecuting the action.~~

11 ~~(g) The commission shall not initiate an administrative~~
12 ~~enforcement process pursuant to the regulations adopted pursuant~~
13 ~~to this section against an entity for the unlawful sale or the unlawful~~
14 ~~offer for sale of an appliance if both of the following apply:~~

15 ~~(1) The appliance fully complies with all of the requirements~~
16 ~~of the regulations adopted pursuant to subdivision (e) of Section~~
17 ~~25402.~~

18 ~~(2) The only basis for the commission's potential enforcement~~
19 ~~action is that the appliance is not considered to be in compliance~~
20 ~~because of the commission's delay in reviewing and processing~~
21 ~~information submitted to it that demonstrates full compliance.~~

22 ~~(h) In addition to the prohibitions specified in subdivision (g),~~
23 ~~the commission shall not initiate an administrative enforcement~~
24 ~~process pursuant to the regulations adopted pursuant to this section~~
25 ~~for a violation of a regulation adopted pursuant to Section 25402~~
26 ~~until both of the following occur:~~

27 ~~(1) No fewer than 60 days have elapsed since the date when the~~
28 ~~regulation was published in the California Register.~~

29 ~~(2) No fewer than 30 days have elapsed since the date when the~~
30 ~~alleged violator received written notice of the alleged violation~~
31 ~~and date when the commission provided public notice of the~~
32 ~~standard.~~